

# UNITED STATES DISTRICT COURT

for the  
Southern District of Ohio

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)  
2773 Greenbush West Rd., Mount Orab, Ohio

Case No. 1:20-MJ-00021

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

[SEE ATTACHMENT A & B]

located in the Southern District of Ohio, there is now concealed (identify the person or describe the property to be seized):

[SEE ATTACHMENT C]

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section

Offense Description

18 U.S.C. 641

THEFT OF GOVERNMENT FUNDS

The application is based on these facts:

[SEE ATTACHED AFFIDAVIT]

☐ Continued on the attached sheet.

☒ Delayed notice of 30 days (give exact ending date if more than 30 days: ) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

*Frederick Reier*

Applicant's signature

Special Agent Frederick Reier, Social Security Administration

Printed name and title

Sworn to before me and signed in my presence.

Date: Jan 14, 2020

*Stephanie K. Bowman*

Judge's signature



City and state: Cincinnati, Ohio

Stephanie K. Bowman, United States Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO

IN THE MATTER OF THE SEARCH OF:  
**2773 Greenbush West Rd., Mount Orab,  
Ohio**

Case No. 1:20-MJ-00021

**AFFIDAVIT IN SUPPORT OF AN  
APPLICATION UNDER RULE 41 FOR A  
WARRANT TO SEARCH AND SEIZE**

I, Frederick Reier, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AGENT BACKGROUND**

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the premises known as **2773 Greenbush West Rd., Mount Orab, Ohio** hereinafter "PREMISES," further described in Attachment A, to search the person described in attachment B, and to seize the things described in attachment C.

2. I have been a Special Agent with the Social Security Administration/Office of the Inspector General (SSA/OIG) since March of 2019. Prior to that, I served as a Special Agent with the United States Secret Service since May of 2016. As a Special Agent for the SSA/OIG, it is my duty to investigate and help prevent fraud, waste, and abuse against the Social Security Administration and all of its programs.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

**PROBABLE CAUSE TO BELIEVE A CRIME WAS COMMITTED**

4. There is probable cause to believe that Billy Gray violated 18 U.S.C. § 641 using an access device to steal government funds of a deceased SSA payee.<sup>1</sup>

5. Joseph Gray Jr., (“Joseph”) of **2773 Greenbush West Rd., Mount Orab, Ohio 45154** was a recipient of Social Security Title II Disability Funds between 1985 and October of 2016. Since at least April of 2015, the funds were deposited into Joseph’s account at People’s Bank (acct. no. xxxx1967).

6. On October 29, 2016, Joseph died in Mount Orab, Ohio. I reviewed a copy of the Ohio certificate of death obtained from the Social Security Administration, Office of Audit. The informant is listed as Billy Gray, son, with a mailing address as **2773 Greenbush West Rd., Mount Orab, Ohio 45154**, which is the same address listed for Joseph.

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<sup>1</sup> The statute states, in relevant part:

*Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof; or*

*Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted—*

*Shall be fined under this title or imprisoned not more than ten years, or both . . . .*

7. Joseph's Social Security benefits should have ceased when he died. However, the Social Security Administration remained unaware of his death and continued to deposit Title II Disability Funds into the above account until December of 2019. Between October of 2016 and December of 2019, the SSA deposited approximately \$43,998.40 into the account. After Joseph died, his SSA money was the only regular source of deposits into the account. After Joseph's death, the SSA money was withdrawn from his account via checks, debit card purchases, cash withdrawals, and recurring loan payments to Guardian Bank. When checks were written after Joseph's death, Joseph's signature was forged on the checks. The only debit card associated with the account had Joseph's name on it. All of the SSA money was withdrawn from the account; the balance in November 2019 was only \$672 despite the fact that SSA deposited about \$43,998.40 after Joseph's death.

8. I reviewed People's Bank records for the above account which revealed an ATM cash withdrawal on October 09, 2019, in the amount \$500.00. I reviewed People's Bank ATM surveillance still photos, which showed the person I have identified as Billy Gray making the above ATM withdrawal.

9. I received the Ohio Driver's license information of the informant on Joseph Gray's death certificate, Billy Gray, with Ohio Driver's license number xxxx7279. From the driver's license photograph, I determined Billy Gray to be the same person who made the above

fraudulent withdrawal. Billy Gray's Ohio Driver's License lists his address as **2773 Greenbush West Rd., Mount Orab, Ohio 45154.**

**PROBABLE CAUSE TO SEARCH THE PREMISES and PERSON**

10. There is probable cause to believe that evidence of the crime, contraband, fruits of the crime, other items illegally possessed, or property designed for use, intended for use, or used in committing the crime may be found at the PREMISES.

11. People's Bank records list **2773 Greenbush West Rd., Mount Orab, Ohio 45154**, as the account address for the account discussed above.

12. On January 06, 2019, a Legal Operations Manager at People's Bank confirmed that paper statements from the above account are being mailed to **2773 Greenbush West. Rd., Mount Orab, Ohio 45154.**

13. SSA records list **2773 Greenbush West. Rd., Mount Orab, Ohio 45154**, as Joseph's address. Any SSA correspondence regarding his benefits would be mailed to that address.

14. Billy Gray, whom I observed making the fraudulent withdrawal from the above account on video surveillance recording, lists the address on his Ohio Driver's License as **2773 Greenbush West. Rd., Mount Orab, Ohio 45154.**



15. According to the internet website maintained by the Brown County Auditor, the PREMISES is owned by "Gray Joseph & Geraldine."

16. Based on my knowledge, training, and experience, I know that people's residences often contain financial documents or Social Security documents. In their homes, people often maintain for long periods -- sometimes years -- correspondence from the SSA, bank statements, receipts, transaction records, account signature cards, and debit or credit cards.

17. Based on my knowledge, training, and experience, I know that people often carry debit cards or credit cards in their wallet and on their person.

### **CONCLUSION**

18. I submit that this affidavit supports probable cause for a warrant to search the PREMISES described in Attachment A, to search the person described in Attachment B if he is found at the PREMISES, and to seize the items described in Attachment C.

### **REQUEST FOR SEALING**

19. It is respectfully requested that this Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application and search warrant. I believe that sealing this document is necessary because the items and information to be seized are relevant to an ongoing investigation and any advance notice of the investigation to the target(s) of the investigation could result in the destruction of evidence.

Respectfully submitted,

*Frei Reier*

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Frederick Reier  
Special Agent  
Social Security Administration, OIG

Subscribed and sworn to before me  
on January 14, 2020:

*Stephanie K. Bowman*

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STEPHANIE K. BOWMAN  
UNITED STATES MAGISTRATE JUDGE



**ATTACHMENT A**

*Property to be searched*

The property to be searched is **2773 Greenbush West. Rd., Mount Orab, Ohio 45154**, further described as a single-story mobile home with white frame siding, detached garage with white frame siding, and glass screen door with white framing.



**ATTACHMENT B**

*Person on property to be searched,  
if he is found on the PREMISES when the PREMISES is searched*

1. The person of Billy Gray with date of birth xx/xx/1975.

**ATTACHMENT C**

*Property to be seized*

1. All records relating to violations of 18 U.S.C. § 641, those violations involving Billy Gray occurring after October 29, 2016, including:
  - a. Records and information relating to Social Security benefits paid to Joseph Gray Jr., SSN xxx-xx-8405, after October 29, 2016;
  - b. Identity documents or Social Security Card of Joseph Gray Jr., SSN xxx-xx-8405;
  - c. Bank records, signature cards, statements, debit cards, or other documents associated with People's Bank account xxxx1967; and
  - d. Records pertaining to a loan from Guardian Bank, for which payments have been made from Joseph Gray, Jr.'s account at People's Bank.